

**Washington County Land Use Authority Meeting
March 10, 2009**

The Washington County Land Use Authority Meeting was held on Tuesday, March 10, 2009, in the Commission Chambers of the Washington County Administration Building. The meeting was convened at 1:30 p.m. by Chairman Stucki. Commissioners present, Debra Christopher, Joann Balen, Julie Cropper, Dave Everett, Kim Ford, and Rick Jones. Also present were Planner Deon Goheen, Deputy Attorney Rachelle Ehlert, Building Official Kurt Gardner, and Todd Edwards, Public Works Department.

Excused: Doug Wilson

Audience attendance: Irvin A. Anderson, Barbara A. Anderson, Jack S. Douglas, Adam C. Dunn, Robert Beers, Bob Herpel, Gerald Schiefer, Dall J. Winn, Fred G. Pendleton, Kirk Bastian, Lucy Ormond, Tim Tabor, Darwin Hall, Glen MacFarland, Sherry Feller, Kurt Allen, and Adam Dunn.

Chairman Stucki led the audience in the Pledge of Allegiance and explained meeting protocol.

The planner explained that the Pine Valley Fire Station had requested a Conditional Use Permit to expand the existing fire station, but it was left off the agenda in error. Because they have already waited a month and had invited guests to attend, it was decided to be added as a discussion item.

CONDITIONAL USE PERMIT DISCUSSION Pine Valley Fire Station

The planner showed the site plan and elevations, and explained that this is a project that is “shovel ready” for the stimulus package, thus the need to move forward. Contracts are being drawn up, and they anticipate being ready by March 17, 2009. The applicants have submitted a letter stating that the existing septic is sufficient for forty-nine (49) firefighters, with stipulations regarding how far away the construction must stay from the leach fields. Adequate parking spaces have been allowed. The Pine Valley Special Service District has just completed the approval process with the Forest Service. The Fire Station is located on a nine (9) acre parcel leased from the Forest Service, which has frontage on Main Street.

The planner explained that if this item is reviewed and approved at the next Land Use Authority Staff Meeting on Tuesday, March 16, 2009, it can be placed on the consent agenda portion of the County Commission Meeting the same day. This will ensure that the item will be properly advertised, and also meet the applicant’s time frame

Dall Winn, Special Service District Vice-Chairman explained that the existing fire station has been outgrown, and there is additional equipment that needs to be stored. Two (2) complete drive-through bays will be added. There is also a promise of a one thousand (1,000) gallon water apparatus, to hold additional water, since water is always a problem there. There will be a turnout dressing room added, so that the firemen aren’t subjected to fumes from the truck, also the protective gear can be stored there. The existing training room will be adequate. The existing power pole will remain, but will be upgraded from two hundred (200) to four hundred (400) and

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moved to Dixie Escalante. The existing fire hydrant will be moved and an additional one will be added that can be also used for training. Another restroom and storage room will be added. There will be a storage area for foam that is mixed with water to suffocate fires. This is not a chemical, but will be stored safely. There is already a substation within the building for the Washington County Sheriff's Department, with phone and computer access for the deputies when needed. There are no plans for asphalt at this time, but gravel will be brought in to avoid having problems with mud.

The County previously approved a variance to the front yard setback requirements by waiving ten (10) feet, due to snow removal and access to bays on the original firehouse, so the PVSSD has designed this addition showing the same setback.

Chairman Stucki reminded the commissioners that this is not an action item, and asked if Staff should review this and make a decision in the next Land Use Authority Staff Meeting. All commissioners present voted Aye, making this unanimous.

Item #1. CONDITIONAL USE PERMIT EXTENSION. Review extension for a gravel crushing operation within the OST-20 zone in an existing pit along Hwy. 18 in the Diamond Valley area of the County. Diamond Sand & Gravel/Kirk Bastian, applicant.

The planner explained that this is a second extension on an existing gravel pit, with grandfather status. As previously reviewed, access for ingress and egress is on a County Road at 8500 North and intersects on Hwy. 18. Sanitation needs are provided by a porta-potty company and water is piped to the property for dust control. The applicant will place a temporary office trailer in the proximity of the stock pile and scales area and a security light is installed near the office. Operating hours will be from 7:00 a.m. to 5:00 p.m.. The number of haul trucks depends on the success of the gravel business, which may be as much as 12 trucks per day. As reviewed previously, this is located within the OST-20 zone, with mining and mineral development being conditionally approved. The General Plan suggests that provision for reclamation of mining and mineral development areas be a part of their plan.

Kirk Bastian, applicant said that less than ten thousand (10,000) tons of material was crushed in 2007, and have of it is still there. It is a small time operation and probably always will be. There are usually only two (2) trucks in operation at one time. Mr. Bastian will continue to adhere to the part of the agreement with the Jennings, owners of property, that the floor of the pit must be the same height as Hwy. 18, and the slope will be kept of the Jennings property.

Motion was made by Commissioner Cropper to recommend approval for a Conditional Use Permit Extension for a gravel crushing operation in the Diamond Valley area, with a permanent status. Commissioner Ford seconded the motion. Six (6) commissioners voted Aye. The motion carried.

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Item #2. CONDITIONAL USE PERMIT EXTENSION. Review extension to quarry sandstone and locate a screening operation in the SW 1/4 NE 1/4, Section 22, T43S, R13W, SLB&M, generally located 4 ½ miles south of Grassy Meadows Sky Ranch. R&W Inc., applicant/Brian Zitting, agent.

The applicant was not in attendance

Motion was made by Commissioner Balen to table this item until the applicant can be in attendance. Commissioner Everett seconded the motion. Six (6) commissioners voted Aye. The motion carried.

Item #3. CONDITIONAL USE PERMIT EXTENSION. Review extension to excavate and haul from a sandstone quarry in the SW 1/4, NE 1/4, Section 22, T43S, R13W, SLB&M, generally located 4½ miles south of Grassy Meadows Sky Ranch. Feller Enterprises/Allen Feller, agent

The planner explained that this is their second extension. This particular use was approved by BLM for a five (5) year period, with a yearly review. The rocks are referred to as stacking stones from a sandstone quarry. They are allowed to remove so many loads or tons per year. As reported previously, BLM requires a bond for reclamation and a report of yearly use, and, prepayment of royalty fees. The planner suggested that the commission should consider making the same recommendations as required of the other party using the same rock quarry, listed as follows: 1) a road bond in place in an amount (\$5,000.) suggested by the County Road Supervisor; 2) an insurance policy in the amount of one-million dollars; and 3) the trucks will not run during the time of the opening and closing of the local elementary school. There was resolve for everyone to be considerate when driving in this area, knowing that it is a dangerous road and if a driver was speeding or reckless, the owners should be notified. The company will maintain friendly relationships with residents, and observe reasonable speeds, and take calls of complaints and respond to them. There have been no complaints for two (2) years since the last meeting.

Sherry Feller, Feller Enterprises, concurred with the planner's comments. Her husband, Allen Feller is with the crew in Texas, and asks for an extension. They didn't take much rock last year, and don't intend this year, but wants to maintain the extension.

Motion was made by Commissioner Balen to recommend approval for a Conditional Use Permit Extension to excavate and haul from a sandstone quarry south of Grassy Meadows Sky Ranch, with all conditions remaining the same, on a permanent status. Commissioner Cropper seconded the motion. Six (6) commissioners and the alternate voted Aye. The motion carried.

Item #4. SITE PLAN REVIEW EXTENSION. Review construction progress on a 2,400 square foot metal building for a warehouse rental within the M-1 (Manufacturing) Zone near

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Veyo, Utah. Allen Feller, applicant.

The planner explained that this is an annual review on a site plan approval within the M-1 zone based on site development standards within that zone. The structure was recently inspected for final electrical and is nearing completion.

Sherry Feller, concurred with the planner's comments, and explained that they need septic and utilities hooked up when crew returns from Texas. This building will be used for storage or a rental.

Motion was made by Commissioner Everett to approve a Site Plan Review Extension on a metal building near Veyo, for a period of one (1) year. Commissioner Balen seconded the motion. Six (6) commissioners voted Aye. The motion carried.

Item. #5. CONDITIONAL USE PERMIT EXTENSION. Review extension for a bike tour along County routes from Utah Hill, Gunlock to Veyo, Mountain Meadows and back to St. George, as a part of the Cactus Hugger Cycling Festival, Saturday, April 26, 2009. Lucy Ormond/Southwestern Utah Bicycle Touring Association, applicant.

The planner explained that this is the third extension. This event is sponsored by the Southwestern Utah Bicycle Touring Association. This is a 100-mile recreational bicycle ride, with approximately two hundred fifty (250) riders. It is a part of the three-day Cactus Hugger Cycling Festival stated at 100 South Main in St. George. The first 25-miles of this ride are an out-and-back ride from Ivins City Park to Bloomington then back to Ivins Park. After a rest stop at Ivins City Park, the cyclists will ride through Kayenta to Hwy. 91. At the "Y" they will ride up Utah Hill and down to the Utah-Arizona border and back. Upon returning to the "Y" the cyclists will take County Road 3184 through Gunlock to Veyo. At Veyo they will turn south on Hwy. 18 returning to the stat via Snow Canyon State Park. The different communities and businesses are sponsors for the rest stop areas and their individual police departments will take care of escorts. The County Sheriffs Department will be notified of this event and the County has received an updated insurance policy.

Lucy Ormond, applicant, said this is the ninth year of the event, and they anticipate four hundred (400) cyclists. The safety involves having volunteers from the Dixie Amateur Radio Group who will set up a grid around the loop and on every spur, with a main station at the park for communication. Riders are given an instruction packet with safety guidelines, and must observe the rules of the road, and call 911 if there is an emergency. Two porta potties will be provided at each rest stop. They will have roving ham radio operators in safety vehicles for areas where there is no cell phone coverage, or with tires, etc. in case of a breakdown. Repeaters will be set up in two places, on the top of Utah Hill and in Snow Canyon.

Todd Edwards, Public Works, explained that the road between Gunlock and Veyo is closed for

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construction and it may not be finished in time. The applicant is aware and will have riders stop and dismount bikes at the edge of construction and walk through the construction site, if necessary

Motion was made by Commissioner Christopher to recommend approval for a Conditional Use Permit Extension on a bike tour, subject to continued compliance with terms of original approval, on a permanent status. Commissioner Everett seconded the motion. Six (6) commissioners voted Aye. The motion carried.

Item #6. CONDITIONAL USE PERMIT EXTENSION. Review extension for ATV and jeep wilderness tours on Sand Mountain, BLM Land, with staging area located south of Grassy Meadows Sky Ranch. Jim Clay, applicant.

The applicant was not in attendance.

Motion was made by Commissioner Balen to table this item until the applicant can be in attendance. Commissioner Everett seconded the motion. Six (6) commissioners voted Aye. The motion carried.

Item #7. CONDITIONAL USE PERMIT EXTENSION. Review use permit on an LDS Chapel within the RE-2.5 zone, within the proximity of Diamond Valley Acres and Paradise Estates. Kim Campbell, agent.

The planner explained that this item has been looked at previously as being conditionally approved within the RE-2.5 zone. The construction has finally been completed, with final occupancy being granted on February 13, 2009 by the Building Official, Kurt Gardner. The construction meets the requirements of the International Building Codes and the commission will want to consider recommending approval based on permanent status.

Motion was made by Commissioner Cropper to recommend approval for a Conditional Use Permit Extension on an LDS Chapel, on a permanent basis. Commissioner Christopher seconded the motion. Six (6) commissioners voted Aye. The motion carried.

Item #8. CONDITIONAL USE PERMIT EXPANSION EXTENSION. Review extension to expand the numbers of youth and staff from 200 to 300 at the Diamond Ranch Academy, 2 miles east of Hurricane, Utah. Rob Dias, applicant.

Commissioner Everett excused himself.

The planner explained that this is an automatic annual review, with the academy seeing many changes over the years, starting out as a sixteen (16) youth transport processing center and expanding to a fifty (50) youth outdoor program. Then later the academy was designed as a

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group facility for three hundred (300), and only received approval by the Department of Environmental Quality (DEQ) for two hundred (200) youth and staff. As previously reviewed, the flow data on the system showed that they could support the original amount requested for three hundred (300), so the applicant submitted written approval from DEQ for the increase in numbers and the planning commission recommended approval for the period of one year. There have been no complaints.

Rob Dias, said that if the economy would change the numbers would be up to three hundred (300), but it is very slowly increasing. The student body was between one hundred forty and one hundred forty-five (140-145) last time, with employees it is right around one hundred fifty-five (155) and they are licensed for one hundred seventy-six (176) youth. The reason for the increase is to be within guidelines of what they are allowed, in case of special circumstances like parent weekends. With parents at the ranch, the average is around two hundred to two hundred fifty (200-250) people, at any given seminar or special event.

Mr. Dias explained that the only problem they've experienced is some confusion over the road. The ranch is two (2) miles off the paved road, with one (1) mile being in the County and the other in Hurricane City. Diamond Ranch Academy now contracts with Gary Davis Construction to grade the road.

Motion was made by Commissioner Balen to recommend approval for a Conditional Use Permit Expansion Extension at the Diamond Ranch Academy, on a permanent basis. Commissioner Christopher seconded the motion. Five (5) commissioners voted Aye. The motion carried.

Item #9. CONDITIONAL USE PERMIT. Request permission to operate a crushing operation and batch plant, Section 11, T40S, R17W, SLB&M, generally located at the Snowfield Ranch Exit. Jason Campbell, applicant and Kurt Allen/Northern Engineering, agent.

The planner explained. that this item was tabled at the previous meeting due to a lack of representation. The applicant would like to operate a gravel and batch plant operation, with purchase of gravel from individual contractors. This use was initially approved in July of 2007, and the applicant did not respond to the invitations for annual review, so the Conditional Use Permit lapsed. There will be a scale house and scales located on the property. Access for haul trucks would be from the Snowfield (Ranch) Exit on I-15, with ingress and egress from an existing County or frontage road and a private easement. The different site plans on phasing shows the location of crusher, stock piles and scales area. The planner suggested that the commission should address operating hours, number of haul trucks, and provisions for reclamation of mining and mineral development. The applicant is in contact with MSHA and EPA on portable crushing and screening equipment that will be reviewed and monitored when it is in place. The planner reminded the commission that, after the previous meeting, staff requested that the applicant provide historical data from the State Historical Society and locate the site

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provided for monumentation, whether it be on applicant's or someone else's property. ***Original transcript of The Dominguez-Escalante Journal submitted Identifier #310. describes the Saint Daniel campsite as being located about 2.4 miles north of the Pintura Interchange and 3/4 mile north of the Snowfield Interchange on Interstate 15. It is in a clearing on the west side of Ash Creek.***

Kurt Allen - Northern Engineering, agent for Jason Campbell agreed that there has been a lot of interest in the historical site and read from a section of a packet obtained about the Dominguez-Escalante group recorded on October 13, 1776. They traveled south for a league and one-half, then went down to the little Rio del Pilar, (the footnotes describe this area as down the Kanarra Creek, which now becomes Ash Creek), and entered a ridge cut entirely of black lava rock, which lies between two high sierras by way of a gap (the footnotes describe this as through Ash Creek Canyon.) The report goes on to describe where they stayed that evening as a pleasant poplar grove, naming the place San Daniel (the footnotes say the Saint Daniel campsite is located about 2.4 miles north of the Snowfield Interchange on Interstate 15. It is a clearing on the west side of Ash Creek.)

Mr. Allen said that although the fence and sign are located on this property, they were never intended to indicate the actual location of the historical site, but only the entrance to it. The actual site is located three-quarters (3/4) of a mile up the road from the sign location. The sign was erroneously placed on the south side of the off ramp, when it should have been placed on the north side. Or, it was mentioned that the sign could have been removed during construction and accidentally put back up in the wrong location.

After a brief discussion, it was determined that approval could be granted, based on verification by the State Historical Preservation Society.

Mr. Allen explained that they had projected a ten (10) year build out, starting in 2007, but there have been delays. Nothing has been done on the site except for a gate on the fence, and nothing is planned for a year or more.

Motion was made by Commissioner Everett to recommend approval on a Conditional Use Permit to operate a crushing operation and batch plant generally located at the Snowfield Ranch, subject to approval by the State Historical Preservation Society to determine whether site is there or somewhere else, for a period of one (1) year. This approval is based on the Commission accepting preview review agreements and stipulations. Commissioner Cropper seconded the motion. Six (6) commissioners and the alternate voted Aye. The motion carried.

Item #10. CONDITIONAL USE PERMIT. Request permission for a charity ride Tour De St. George to be held on Saturday, March 28, 2009. The route will loop from St. George up Hwy. 18 to Veyo then back via the road from Veyo to Gunlock and Hwy. 91 back to St. George. Tim Tabor, applicant.

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The planner explained that this event is a charity ride to raise funds for Big Brothers and Sisters. This is a 100-mile recreational bicycle ride, with approximately three hundred to four hundred (300 - 400) riders. It is a one-day Tour De St. George Spring 2 event starting in St. George. The applicant has taken care of all the community approvals. The route will impact some County roads and they will be doing a loop from St. George up Hwy. 18 to Veyo then back via the road from Veyo to Gunlock and Hwy. 91 back to St. George. There will be two sanitary facilities at each rest station. The County Sheriffs Department should be notified of this event and the County would want to be listed as a beneficiary on the liability insurance policy. The applicant has provided email from sheriff's office showing that they will provide deputies, and an updated insurance policy listing the County as a beneficiary.

Tim Tabor, applicant, explained that this came up as benefit for Big Brothers. Three (3) sheriff's deputies, and an Ivins off-duty police officer will be on the route for safety. This is not competitive and the riders will naturally space themselves out so the number of porta potties will be sufficient. It was mentioned that there will be the same issue with construction, and they will have to use the bypass. Because this is the first year, the numbers are an estimate, but the applicant expects around two hundred to three hundred (200-300), but one half will probably not ride the entire route. Mr. Tabor has already been in contact with the Road Department.

Motion was made by Commissioner Balen to recommend approval for a Conditional Use Permit for a charity ride Tour De St. George to be held on Saturday, March 28, 2009, for a period of one (1) year. Commissioner Cropper seconded the motion. Six (6) commissioners voted Aye. The motion carried.

Chairman Stucki closed the Land Use Authority Meeting and opened a Public Hearing at 2:53 p.m.

Item #11. PUBLIC HEARING. Open hearing for a plat amendment approval for Al Truman Subdivision Amended, generally located along Sage Road in Pine Valley. Bob Herpel, agent.

The planner explained that the commission will need to open for a public hearing as referenced by State Code, whereas, notice of hearing to consider approval of a subdivision plat was sent by mail to property owners in this subdivision and within five hundred (500) feet to the property as defined by local ordinance three days before the hearing.

The planner explained that lot 7 was split right after the subdivision was recorded, and lots 4 and 7 were owned by the same person. The plat amendment request includes a road dedication of a staff road to lot 7B. The lot line adjustment was approved on a staff level, and is before the LUA commission for a staff road and flag lot approval. Lot 4 will also become a flag lot, but two (2) flag lots are allowed on any one staff road, or in any subdivision. The applicants do have will serve letters from power, phone, and a letter from the community water company stating they will provide water to this additional parcel. This actually exceeds the zoning requirements for lot

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size. The only thing missing is a perk test because of inclement weather, but a feasibility letter from the Health Department was issued.

Bob Herpel, agent, explained that Chris Pettigrew from Rosenberg is the engineer that is working with him on this project, who is in attendance at today's meeting. Mr. Herpel explained that the terrain of the lot is basically level with a slope to the north. Lot 7B is one-half (½) acres, and has a wash that comes through. The engineer will do a drainage study. There are existing homes on lots 1,5,6 and 7 and a garage on lot 2. There are existing fire hydrants in the area, but none are within.

There was a discussion about fire hydrants. The planner explained that a fire hydrant needs to be located within two hundred fifty (250) feet of lot 7B. Chairman Stucki asked why since it is in an existing subdivision. The planner explained that the applicants are adding a new lot that has to conform with today's fire requirements. Because the plat was never legally amended, the lot split cannot be recognized for building purposes. Mr. Herpel argued that it is not a new lot because it was created in 1976, but the planner explained that a plat amendment should have taken place at that time for it to be a legal split. When the original plat was recorded, the requirements were a fire hydrant to be located within five hundred (500) feet, and it met those requirements. This proposed plat amendment, creating a new lot, is legally obligated to abide by today's standards.

Gerald Schiefer, Pine Valley Fire Chief, said that his two concerns are fire hydrant and the turnaround in the road. The closest existing fire hydrant is about five hundred (500) feet, with the next available one another five to seven hundred (500-700) feet further. Mr. Schiefer explained that any single road more than two hundred feet (200') is considered indefensible, meaning they would let it burn and not put their firefighters in danger. However, in this case, it is very small sagebrush which is not as dangerous as trees. Also, the road would be required to have a turnaround built to code with enough room for the trucks.

A public fire hydrant cannot be placed on private land, but lot 7B is more than two hundred fifty feet (250') from the main road. The owner can locate a private fire hydrant on their property at their own expense, and it would probably help with insurance costs. It was mentioned that there is a possibility of an agreement with the builder, the Fire Department and the Special Service District to have a fire hydrant placed on private land.

There was a discussion regarding flat lots, and the planner read from the Ordinance 11-6-2.G.2 and 6:

2. The staff portion of said lot shall front on a dedicated public street. The minimum width of the staff portion of the lot shall be twenty five feet (25').

6. No more than two (2) flag lots or four (4) dwelling units may be served by one staff portion of said lots.

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Mr. Herpel said that the staff portion is already included in the legal description of lot 4. and asked if a perpetual easement could be dedicated to lot 7B, without deeding the land. The planner advised that the question would have to be worked out through legal counsel, and would need to be bonded or installed at time of plat amendment, having up to one (1) year.

Adam Dunn, Dunn Law Firm, representing M&L Ltd. Partnership (Rich Lewis property), said that the primary concern is in regards to Washington County's Groundwater Protection Ordinance. If this is permitted, it will set a precedent with potential for adverse impact for Pine Valley. Mr. Dunn stated that Pine Valley is listed as a designated sensitive ground water resource area in the County Ordinance. Mr. Dunn read from Ordinance 4-3-7.A:

A. No septic system may be installed in a sensitive ground water resource area unless:

- 1. The "total number of existing septic systems" in a SGRA where the septic system will be located is less than the "maximum number of septic systems" permitted in the SGRA; and*
- 2. The lot where the septic system will be installed meets the minimum acreage requirement for the SGRA where the lot is located as shown on the septic system density table...*

Mr. Dunn said that, according to the Density Table, located in 4-3-8, the minimum acreage for a lot for a septic system is two (2) acres. The acreage of lot 7B is one-half (½) acre. Mr. Dunn showed a copy of the original plat recorded in 1976. At the time of approval and recording, the Washington County Groundwater Protection was not in place. A septic system could be placed on a lot that was less than two (2) acres at that time.

Mr. Dunn then read from Ordinance 4-3-9:

4-3-9: EXCEPTIONS TO DENSITY REQUIREMENTS:

The following lots are exempt from this chapter:

A. Any lot in an existing platted and recorded residential subdivision that has received final on site feasibility approval from the southwest Utah public health department before the effective date hereof.

Mr. Dunn stated that shortly after getting approval from the County and recording this plat, lot 7 was illegally subdivided. Even though the deed was recorded, according to State statute, a lot cannot be subdivided without permission from the body that approved the official plat. Mr. Dunn said that the deeds that were recorded changed the legal description of lot 7, but the plat was not amended at that time. Mr. Dunn explained that the application today is for an amendment of the plat that now puts in a legal lot, years after the Washington County Groundwater Protection Ordinance was put in place.

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Mr. Dunn read again from the Ordinance:

4-3-11: ENFORCEMENT:

A. No building permit will be issued nor subdivision approved unless the requirements of this chapter are met...

Mr. Dunn referred to a letter from Mr. Beers, Southwest Utah Public Health Department, stating that the SWUPHD will issue a septic system permit for this property upon submission of required reports and documentation. In the letter Mr. Beers states that, according to Washington County records, this parcel was recorded on June 4, 1976. Mr. Dunn stated that although the deed was recorded before the Groundwater Study was adopted, the plat was never amended legally. Mr. Dunn said that the Ordinance was intended to protect the groundwater, and subdivisions that are in direct violation of this Ordinance cannot be allowed.

Rachelle Ehlert asked how Mr. Dunn and his clients felt about alternative systems. Mr. Dunn said that it is in a state of flux, and needs deeper understanding, more studies and to explore options and not necessarily accept carte blanche.

Chairman Stucki asked if metes and bounds were an acceptable way of dividing property in 1976. Mr. Dunn said that a metes and bounds description was acceptable to divide property, but not in a legally recorded subdivision.

Commissioner Balen left at 3:34 p.m..

Chairman Stucki closed the Public Hearing and opened the Land Use Authority Meeting at 3:40 p.m.

Item #12. PLAT AMENDMENT. Consider plat amendment for Al Truman Subdivision Amended, to split lot 7 into two (2) lots hereafter known as lots 7A and 7B, Section 15, T39S, R15W, SLB&M, and 7B is a flag lot with a 25' easement, located on Sage Road in Pine Valley. Bob Herpel, agent.

The planner explained that the applicant has submitted an amended plat and public notice was given that the Washington County Land Use Authority will hold a hearing on a subdivision plat, Al Truman Subdivision Amended, to create an additional lot 7B and adjust the south lot line on lot 4, by adding the width of a twenty-five foot (25') staff road and expanding the size of lot 7B to meet the requirement of the Zoning Ordinance of thirteen thousand, five hundred (13,500) square feet. The rest of the subdivision is to remain the same as shown of the original recorded plat. The applicant has submitted will service letters on power, phone, and water, and a letter of septic feasibility from the Southwest Utah Public Health Department.

Todd Edwards, clarified several points in the letter he sent to the applicant:

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- If a portion of lot 4 is deeded to lot 7B, lot 7B will be within two hundred fifty feet (250') of the fire hydrant, if only an easement is recorded it is not technically part of the lot and it will not fit the requirements
- The easement that was recorded as part of the original plat will need to be abandoned. At the time, the ownership was the same for both lots, with no utilities stubbed, no separate access for lot 7B and it was not legally or physically a buildable lot.
- The proposed plat amendment should be treated like any other subdivision, meeting requirements for water, utilities, proof of access, fire hydrants and some sort of sewer system.
- Curb and gutter will not be required
- The street will not need to be paved
- Utilities need to be shown on the drawing
- A drainage study will be required before anything is built on the lot

After a brief discussion, it was determined that questions have been raised that legal counsel will need time to review, including the tax notice on the illegal lot. Since there has been a tax notice sent from the County on the lot, and apparently taxes have been paid, legal counsel will need to carefully study all aspects.

Mr. Dunn voiced objection to abandonment of the easement.

Motion was made by Commissioner Everett to table, pending legal counsel's advice. Commissioner Christopher seconded the motion. Five (5) commissioners voted Aye. The motion carried.

Item #13. STAFF DECISIONS. Review of decisions from the Land Use Authority Staff Meeting held on March 3, 2009. County initiated.

The staff meeting convened at 9:00 a.m. Staff members present: Deon Goheen, Planner; Kurt Gardner, Building Official; Rachelle Ehlert, Deputy Civil Attorney; Todd Edwards, Washington County Public Works Engineer; Tina Esplin, Washington County Water Conservancy District. Darwin Hall, Ash Creek Special Service District; Randy Taylor, Department of Environmental Quality; and Laurence Parker, Southwest Utah Public Health Department;

Excused: Ron Whitehead, Public Works Director

CONDITIONAL USE PERMIT EXTENSION:

A. Review extension to build an accessory dwelling (library, reading room) within the RA-1 zone, Adobe Hills Phase 5A, Lot 94. Bill Bryan, applicant and Trey Collyer, agent.

The planner advised that this is the 2nd extension and the applicant previously met the

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requirements for the accessory dwelling units by submitting a site plan, and a letter from the Health Department stating that the existing system is sufficient for the proposed building. Accessory dwellings are conditionally approved within the RA-1 zone, with this property being a legally platted and recorded lot. The property is accessed from 1600 West. The site plan meets all setback requirements and elevations meets the height requirements. There was a 4-way inspection (framing, electrical, plumbing & mechanical) completed on August 7, 2007, by the Building Inspector Henry Brannon. **Staff felt there should be no problem in granting an extension for the period of one (1) year.**

B. Request permission for a single family dwelling to be constructed within the OST -20 , Section 9, T41S, R15W, SLB&M, generally located 4 miles north of the turkey farm on the southwest side of Pine Valley Mountain. Ellis Project/Jeff Hawkes w/Rosenberg Associates, agent.

The planner advised that this is an automatic annual review and these types of uses are conditionally approved for a single family dwelling. The applicant has previously met the requirements for the use permit by submitting a site plan, a letter of feasibility on waste disposal from the Southwest Utah Public Health Department (SWPHD), which does not constitute an actual septic permit. The applicant submitted a receipt on a water meter charge from the City of St. George indicating water service, but not the type of service. The plan meets 25' setback requirements on all sides of the property. The property is accessed from a Forest Service Road. The parcel is within the OST zone and contains 50+ acres. The agent wanted to make sure that all who were present was aware that this was a winery for personal use and they are making application for State licensing. The applicant submitted a more detailed set of plans, whereas this building was permitted previously as an agricultural building. There are changes in the use of the building and additional square footage being added for a garage and upper level. **Staff felt there should be no problem in taking this off the Land Use Authority agenda for staff review and granted an extension for the period on one (1) year, whereas the initial work that went into applying for the conditional use should be enough to keep the permit active.**

LOT LINE ADJUSTMENT:

A. Consider approval of a lot line adjustment between lot 4 and lot 7 in the Al Truman Subdivision. Bob Herpel, agent.

The agent has submitted an amended plat of the Al Truman Subdivision to cleanup an illegal split created in the early 70's, soon after the plat was recorded. To make lot 7B a viable parcel there will need to be a lot line adjustment on the south side of lot 4, by adding the width of a 25' staff road and expanding the size of lot 7B by 48.23' on the north side. The planner advised that there could be two flag lots within a subdivision off any

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one staff road. Both lots 7B and 4 should qualify as two flag lots. Thus, 7B will meet the requirement of the State Code and the Zoning Ordinance, containing more than 13,500 square feet. The County Engineer, Todd Edwards suggested that the agent change the corner of the easement to allow for more of a curvature, instead of the sharp turn. Fire protection will need to be addressed and construction drawings provided. **Staff felt there should be no problem in granting the lot line adjustment, subject to the items requested by staff.**

Item #14. MINUTES. Consider approval of the minutes of the regular planning commission meeting and work meeting held on February 10 & 24, 2009.

Motion was made by Commissioner Christopher to approve the minutes of February 10, 2009, as written. Commissioner Ford seconded the motion. Five (5) commissioners and the alternate voted Aye. The motion carried.

Motion was made by Commissioner Everett to approve the minutes of February 24, 2009, as written. Commissioner Christopher seconded the motion. Five (5) commissioners and the alternate voted Aye. The motion carried.

Item #15. COUNTY COMMISSION ACTION REVIEW. Review of action taken by the County Commission on Planning Items. County initiated.

No action taken.

Item #16. COMMISSION & STAFF REPORTS General reporting on various topics. County initiated.

Commissioner Everett said we need to be aware of letter of opposition from Grassy Meadow Sky Ranch in opposition to the ATV ride that was tabled at the last meeting. The planner explained that they have always been told that they cannot store the ATVs on the home premise. The ATVs need to be in an industrial area or storage units. The business license obtained is for a home occupation only, to do computer work or invoicing. Since obtaining the license, the owner has become very ill, and has gotten divorced. His ex-wife is taking over the business and will need to be told that the ATVs must be removed from premises because they were never approved.

There being no further business at 3:58 p.m., Chairman Stucki adjourned the meeting.

Donna Rasmussen, Planning Secretary

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